

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL NATHAN
CLARK,

Plaintiff,

v.

Civil Case No. 21-12022
Honorable Linda V. Parker

UNITED STATES DEPARTMENT
OF THE ARMY, et al.,

Defendants.

**ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR AMENDING
THE DEFENDANTS [ECF NO. 7] AND DEFENDANTS' MOTION TO
DISMISS [ECF NO. 10]**

Plaintiff initiated this pro se action alleging employment discrimination against Defendants United States Department of the Army ("Army"), U.S. Army TACOM, John E. Whitley, former acting secretary of the Army, and Albert Wurst, on August 30, 2021. On December 15, 2021, Plaintiff filed a motion to amend the Defendants in which he requests to remove Whitley as a defendant and thereafter to substitute the acting secretary of the Army, Christine Wormuth. (ECF No. 7.) On February 25, 2022, Defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 10.) Plaintiff filed an Amended Complaint and accompanying addendum, however, on March 1, 2022. (ECF Nos.

11, 12.) In his amended pleading, Plaintiff names Wormuth as a Defendant. (ECF No. 11.)

As a result of the amendment, the Complaint to which the motion to dismiss (ECF No. 10) is directed has been superseded and the motion is moot. *See Glass v. The Kellogg Co.*, 252 F.R.D. 367, 368 (W.D. Mich. 2008) (citing cases). Further, the Amended Complaint adds Wormuth as a party, so the motion to amend the naming of the defendants (ECF No. 7) is also moot.

Accordingly,

IT IS ORDERED that Plaintiff's motion to amend the defendants (ECF No. 7) and Defendants' motion to dismiss (ECF No. 10) are **DENIED AS MOOT**.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: April 13, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 13, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager